

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RENEE COLE

VS.

USAA GENERAL INDEMNITY
COMPANY AND C.R. ENGLAND, INC.
D/B/A C.R. ENGLAND TRUCKING

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CIVIL NO. 5:21-cv-00609

DEFENDANT, C.R. ENGLAND, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant, **C.R. ENGLAND, INC.**, hereby removes this action to the United States District Court for the Western District of Texas San Antonio Division from the 224th Judicial District Court of Bexar County, Texas, stating as follows:

1. Plaintiff, Renee Cole commenced this action in the 224th District Court of Bexar County, Texas, where it was given Cause No. 2021CI02427. This action is between citizens of different states. Plaintiff is a resident of Texas. Defendant, C.R. England, Inc. is a Utah corporation with its principal place of business in Utah. Defendant, USAA General Indemnity Company is an underinsured/ uninsured motorist carrier whose residency is not considered for diversity.

2. Plaintiff claims damages for serious personal injury and as of Plaintiff's May 10, 2021 Second Amended Petition, Plaintiff is seeking damages over two hundred fifty thousand dollars (\$250,000.00) but no more than One million dollars (\$1,000,000.00). Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332. Thus, it is "facially apparent" from the plaintiff's state court petition that the controversy here

exceeds the minimum jurisdictional limits. See, e.g., *De Aguilar v. Boeing Co.*, 11 F.3d 55, 57 (5th Cir. 1993)(noting that, if it is “facially apparent” from the state-court petition that the amount in controversy exceeds the jurisdictional minimum, the defendant need only point such fact out to successfully bear its burden); *Matney v. Wenger Corp.*, 957 F. Supp. 942, 943-44 (S.D. Tex. 1997)(finding that plaintiff’s petition satisfied amount-in-controversy requirement despite contention to the contrary where petition alleged “severe bodily injuries”).

3. Defendant, C.R. England, Inc. received the summons and complaint on May 26, 2021, by way of service on Registered agent.

4. Defendant, USAA General Indemnity Company received the summons and complaint on March 18, 2021

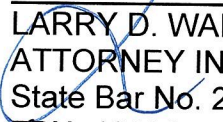
5. A copy of all process, pleadings, and orders served upon Defendant, C.R. England, Inc., are attached as Exhibit A.

6. Defendant, C.R. England, Inc. will provide written notice of this Notice of Removal to all adverse parties and will file a copy with the Clerk of the 224th District Court of Bexar County, Texas.

6. Defendant, C.R. England, Inc. consent to this removal.

Dated: **June 25, 2021**

Respectfully submitted,



LARRY D. WARREN
ATTORNEY IN CHARGE
State Bar No. 20888450
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**ATTORNEY FOR DEFENDANT,
C.R. ENGLAND, INC.**

OF COUNSEL:

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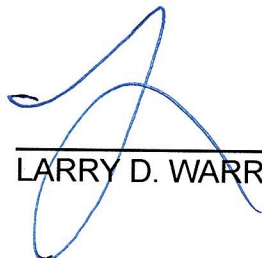
CERTIFICATE OF SERVICE

I hereby certify that on the **25th** day of **June 2021**, the foregoing document, was filed with the Clerk of Court using the CM/ECF system, and was served on counsel via **E-mail**:

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LARRY D. WARREN